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Practice Restricted to Intellectual Property Law

October 4, 2001

H. Samuel Frost B.A. (Eng. Sci.), M.Sc. (Nucl. Eng.)
416 957 1687 sfrost@bereskinparr.com

Your Reference: 09/833,078
Our Reference: 45-35

RESPONSE TO NOTICE OF FILE MISSING PARTS OF APPLICATION

The Commissioner of Patents
& Trademarks
Washington, D.C.
U.S.A 20231

Dear Sir:

Re: U.S. Patent Application No. 09/833,078
Title: A METHOD FOR LOCALLY MODIFYING THE EFFECTIVE BANDGAP
ENERGY IN INDIUM GALLIUM ARSENIDE PHOSPHIDE (InGaAsP)
QUANTUM WELL STRUCTURES
Filed: April 12, 2001
Applicant: THOMPSON et al.

The Applicant reports that a Notice to File Missing Parts of Application Filing Date Granted was mailed to the Applicant but never received. The Applicant has recently become aware that the due date to file missing parts was on August 6, 2001. At this time, the Applicant encloses herewith the following:

1. A Declaration as executed by the inventors;
2. An Assignment from the inventors to McMaster University.

This Response is accompanied by a request for a two month extension of time and therefore is timely filed.

In view of the fact that the Applicant is a small entity, the Applicant is entitled to pay the filing fee and the surcharge fee at the small entity rate. Accordingly, enclosed herewith is our cheque no. 3186 in the amount of \$684.00 which comprises the following:

Filing fee	370.00
Surcharge fee	65.00
Claims in excess of 20	9.00
Assignment Recordal	40.00
Two Months Extension of Time	200.00
Total	\$684.00

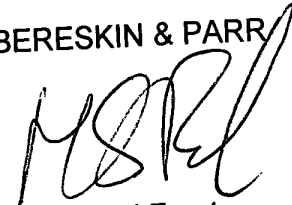
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TECHNOLOGY CENTER 2800

If any additional fees are required, please withdraw them from our deposit account no. 02-2095 or credit any surcharge thereto.

In view of the foregoing, it is respectfully submitted that filing of this application is now complete.

Respectfully submitted,

BERESKIN & PARR

A handwritten signature in dark ink, appearing to read 'H. Samuel Frost', written over the printed name.

H. Samuel Frost
Registration No. 31,696

/ cc

Encl.

Please type a plus sign (+) inside this box → ☒

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/833,078

Filing Date

April 12, 2001

First Named Inventor

THOMPSON, David A.

Group Art Unit

2811

Examiner Name

N/A

Attorney Docket Number

45-35

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☒ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☒ Extension of Time Request

☐ Express Abandonment Request

☒ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☒ Response to Missing Parts/ Incomplete Application

☒ Response to Missing Parts under 37 CFR 1.52 or 1.53

☒ Assignment Papers (for an Application)

☒ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Return Receipt Post Card
Inventor's Declaration Papers

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

BERESKIN & PARR

Signature

Date

October 4, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name

Date

Signature

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/833,078
Filing Date	April 12, 2001
First Named Inventor	THOMPSON, David A.
Examiner Name	
Group Art Unit	2811
Attorney Docket No.	45-35

TOTAL AMOUNT OF PAYMENT (\$) **684.00**
METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

 Deposit Account Number **022095**

 Deposit Account Name **Bereskin & Parr**
☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed: **#3185**
☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	370.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) **370.00**
2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
21	-20** = 1	9.00	9.00
	-3** =		0
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) **9.00**

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	65.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	200.00
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	40.00
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify)			
SUBTOTAL (3) (\$) 305.00			

*Reduced by Basic Filing Fee Paid

SUBMITTED BY
 Name (Print/Type) **H. Samuel Frost**

Signature

 Registration No. **31,696**
 (Attorney/Agent)

Complete (if applicable)

 Telephone **(416) 364-7311**

 Date **October 4, 2001**
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.